

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTONIO DAVIS,

Petitioner,

v.

Case. No. 2:14-cv-10019
Hon. Paul D. Borman

JOHN PRESLINIK,

Respondent.

_____/

ORDER DENYING PETITIONER'S MOTION TO EXPAND RECORD [DKT. 23]

This is a habeas case under 28 U.S.C. § 2254. Petitioner filed a pro se petition for writ of habeas corpus. On February 29, 2016, the Court issued an Opinion and Order denying the petition. The Court denied Petitioner a certificate of appealability but granted permission to appeal in forma pauperis. Petitioner filed a notice of appeal on May 2, 2016, but the Court of Appeals denied Petitioner a certificate of appealability on November 8, 2016. *Davis v. Napel*, Nol 16-1567 (6th Cir. Nov. 8, 2016). Pending before the Court is Petitioner's motion to expand the record, filed on June 6, 2016.

A notice of appeal generally "confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal." *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985)(citing *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)(per curiam)); See also *Workman v. Tate*, 958 F. 2d 164, 167 (6th Cir. 1992). Petitioner's notice of appeal divested this Court of jurisdiction to consider his motion to expand the record. See *Raum v. Norwood*, 93 Fed. Appx. 693, 695 (6th Cir. 2004)(Plaintiffs deprived

district court of jurisdiction over their motion for reconsideration by filing notice of appeal before district court had chance to make decision on motion to reconsider). Accordingly, Petitioner's motion to expand the record is **DENIED**.

A handwritten signature in blue ink, appearing to read "Paul D. Borman", is written over a horizontal line.

Paul D. Borman
United States District Court

DEC 02 2016

Dated: _____